

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

EON CORP. IP HOLDINGS, LCC

§

§

v.

§

NO. 6:10-CV-379-LED-JDL

§

T-MOBILE USA, INC., et. al.,

§

ORDER

Before the Court are motions to sever and stay by three Defendant groups: Acme Packet Inc., Alcatel-Lucent USA Inc., D-Link Systems, Inc., Intellinet Technologies, Inc. and Juniper Networks, Inc. (collectively, the “Equipment Vendors”) (Doc. No.282); Sears Roebuck & Co., Best Buy Co., Inc., Amazon.com, Inc., Costco Wholesale Corp., Wal-Mart Stores, Inc., Radioshack, Corp, and Overstock.com, Inc. (collectively, the “Retail Defendants”) (Doc. No. 286); Research In Motion Corporation, Nokia, Inc. And Samsung Telecommunications America, LLC (collectively the “Handset Manufacturers”) (Doc. No. 292). The motions are fully briefed. (Doc. Nos. 308, 313, 314, 315, 334).

The Court hereby **DENIES** the motions. However, the Court **ORDERS** that the parties engage in targeted discovery to determine whether any of the Defendants and/or Defendant groups are solely alleged indirect infringers and the relationship between co-defendants generally. The deadline to complete such discovery is **July 26, 2011**. If desired, Defendants may file a separate letter brief¹ requesting leave to file a motion for summary judgement for a determination as a matter of law regarding direct infringement and/or the relationship between the parties. The deadline for such letter briefs is **August 5, 2011**.²

¹ EON shall not file an omnibus response, but must respond to each letter brief individually.

² For letter brief procedures, the parties are directed to the Court’s standing order, available at http://www.txed.uscourts.gov/cgi-bin/view_document.cgi?document=19741

So **ORDERED** and **SIGNED** this 26th day of May, 2011.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE